

'Three strikes' can count juvenile convictions

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The U.S. Supreme Court on Monday preserved California judges' authority to count adult felons' convictions in juvenile court in determining whether to sentence them to life in prison under the state's "three strikes" law.

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The court denied a San Jose man's appeal of his 2005 sentence for possessing a gun as a convicted felon. Vince Nguyen's sentence was doubled, to 32 months, based on his assault conviction in a 1999 juvenile court proceeding, when he was 16. Under the three strikes law, he could have been sentenced to 25 years to life in prison if his record had included a second such conviction as a juvenile.

The 1994 three strikes law, the nation's toughest sentencing measure for repeat offenders, requires a sentence of 25 to life for anyone convicted of a felony at age 18 or older who has committed at least two serious or violent felonies in the past. With one such previous conviction, the normal sentence for the new crime is doubled.

Unlike most states with repeat-felon laws, California classifies convictions for serious or violent crimes in juvenile court, at age 16 or 17, as strikes.

Nguyen claimed that increasing a sentence based on a juvenile conviction violated a U.S. Supreme Court ruling in 2000 entitling defendants to a jury trial on any facts used to lengthen their sentences beyond the usual maximum term.

The California Supreme Court ruled against Nguyen in July 2009, saying the use of his juvenile conviction to increase his sentence as an adult did not violate his right to a jury trial.

Nguyen pleaded no contest to the gun charge in 2005. The state Supreme Court said he could have sought a jury trial in that case and asked the jurors to determine whether he had been convicted of the 1999 assault.

Nguyen has completed his sentence. His lawyer, Douglas Rappaport, said Monday the ruling was unfair to youths who are encouraged to admit wrongdoing when charged as juveniles.

"Juveniles don't get a jury trial because the juvenile system is designed to rehabilitate," Rappaport said. He said last year's state court ruling, which the nation's high court refused to review, is "a significant erosion of our constitutional right to a jury trial."

The case is Nguyen vs. California, 09-604.

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